

Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke did manage to help stabilize financial markets.

But while the number of layoffs is now vastly less than in the first half of 2009, the number of new hires has not increased appreciably. Many more people have been unemployed for longer periods than in previous recessions, and many more have stopped looking for work altogether.

It's hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

And then there is the political posturing. On April 13, Barack Obama delivered a ballyhooed speech at George Washington University. The man who conservatives as well as liberal pundits told us was a combination of Edmund Burke and Reinhold Niebuhr was widely expected to present a serious plan to address the budget deficits and entitlement spending.

Instead, the man who can call on talented career professionals at the Office of Management and Budget to produce detailed blueprints gave us something in the nature of a few numbers scrawled on a paper napkin.

The man depicted as pragmatic and free of ideological cant indulged in cheap political rhetoric, accusing Republicans, including House Budget Committee Chairman Paul Ryan, who was in the audience, of pushing old ladies in wheelchairs down the hill and starving autistic children.

The signal was clear. Obama had already ignored his own deficit reduction commission in preparing his annual budget, which was later rejected 97-0 in the Senate. Now he was signaling that the time for governing was over and that he was entering campaign mode 19 months before the November 2012 election.

People took notice, especially those people who decide whether to hire or not. Goldman Sachs' Current Activity Indicator stood at 4.2 percent in March. In April—in the middle of which came Obama's GW speech—it was 1.6 percent. For May, it is 1.0 percent.

"That is a major drop in no time at all," wrote Business Insider's Joe Weisenthal.

After April 13, Obama Democrats went into campaign mode. They staged a poll-driven Senate vote to increase taxes on oil companies.

They launched a Mediscare campaign against Ryan's budget resolution that all but four House Republicans had voted for. That seemed to pay off with a special election victory in the New York 26th congressional district.

The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation and crony capitalism may be here for some time to come.

One possible upside is that economic bad news may no longer be "unexpected." Another is that voters may figure out what is going on.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture

motion with respect to the Verrilli nomination be withdrawn, and at 5:30 p.m. the Senate proceed to vote, without intervening action or debate, on Calendar No. 118, the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order with respect to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session, with the other provisions of the May 26 unanimous consent agreement remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

The PRESIDING OFFICER. The time until 5:30 will be equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't believe there is going to be a huge number of people lined up to speak on this nomination, but I will first use part of my reserve time on the Verrilli nomination to speak of another matter within the purview of the Judiciary. So I ask unanimous consent, with the time being charged to my half hour, that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE RICHARD LINN

Mr. LEAHY. Mr. President, on the first day of this millennium, January 1, 2000, the newest Federal judge, and the first of the millennium, was sworn in. Richard Linn became a member of the Federal Circuit Court of Appeals at the stroke of midnight, standing in the Federal Circuit's courthouse, with a view of the Washington Monument lit behind him, and the oath being administered by Chief Judge H.R. Mayer.

President Clinton had been told of the hundreds of nominations he would make during his Presidency, one he would never regret would be that of Judge Linn. How true that prediction. Judge Linn has brought dignity, expertise, and judicial excellence that could set the model for all our Federal courts. His calm but brilliant analyses of our most complex intellectual property cases reflect the extensive experience he had before going on the bench.

This experience now benefits all Americans.

My wife Marcelle and I and our children have been privileged to have known Dick and Patti Linn for over a generation, as well as their wonderful daughters, Debbie and Sandy, and all their family. This weekend, their children, son-in-law Erik, and grandchildren, Jaret and Dakota, as well as other members of their family, will gather to unveil a portrait of Judge Linn. I hope that as people visit the Federal Circuit Court of Appeals building or are there on business, that they will pause and look. It will give them a chance to see the face of justice and a man I admire greatly.

Mr. President, I ask unanimous consent that we go back on the matter before us, with the time still being reserved to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the majority leader and the Republican leader for reaching an agreement for the Senate to debate and vote on the nomination of Don Verrilli to be Solicitor General of the United States. By doing so, we were able to vitiate the cloture motion and avoid another unnecessary filibuster. Had agreement not been reached, this would have been the first filibuster in history of a Solicitor General nomination.

Mr. Verrilli is by all accounts one of the finest lawyers in the country, whose extensive experience as an advocate for a wide variety of clients will serve him well as Solicitor General, the top advocate for the United States. In a long and distinguished career, Mr. Verrilli has argued numerous cases before the Supreme Court, Federal appeals courts and State appellate courts. He clerked for Judge J. Skelly Wright on the DC Circuit and for Justice William Brennan on the U.S. Supreme Court. Mr. Verrilli's impressive breadth of experience both in Government and in private practice led the Judiciary Committee to report his nomination by a vote of 17-1 nearly a month ago. Seven of the eight Republican members of the committee joined in supporting Mr. Verrilli's nomination.

The Judiciary Committee heard from many respected lawyers from across the political spectrum in support for Mr. Verrilli's nomination. Eight former Solicitors General from both Republican and Democratic administrations, among them Republicans Charles Fried, Kenneth Starr, Ted Olson, Paul Clement and Gregory Garre, concluded: "Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office of the Solicitor General."

More than 50 prominent Supreme Court practitioners urged the Senate to confirm Mr. Verrilli's nomination, including conservatives like Maureen Mahoney, Peter Keisler, and Miguel Estrada. They wrote:

Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

I will ask that copies of the letters in support be printed in the RECORD at the conclusion of my remarks.

Don Verrilli is exactly the kind of superbly qualified, serious professional we should be encouraging to serve the American people in their government. I expect that he will be confirmed by a strong bipartisan majority of the Senate.

Like all of the nominations reported by the Judiciary Committee and pending on the Senate's Executive Calendar, Mr. Verrilli's nomination has been through the Judiciary Committee's fair and thorough process. We reviewed extensive background material on his nomination. All Senators on the committee, Democratic and Republican, had the opportunity to ask him questions at a live hearing. All Senators had the opportunity to meet with Mr. Verrilli individually, as well. Many also took advantage of the opportunity to ask him questions in writing following the hearing.

We then debated and voted on his nomination. I thank the members of the committee for their work, consideration and judgment. Many cited their meetings with Mr. Verrilli and his serious and thoughtful answers to hundreds of written questions for the record as a basis for their support of his nomination. The result of the process was that Senators, having raised whatever concerns they had and whatever differences they have with the policies of the Obama administration, voted nearly unanimously in favor of confirming Mr. Verrilli based on his qualifications, experience and appreciation for the responsibilities of the Solicitor General.

I appreciate the effort made by the Republican members of the Judiciary Committee in considering the Verrilli nomination on its merits and voting to support him, with one exception. I appreciated the thoughtful statement by the ranking Republican at our markup, nearly 1 month ago, in which he set forth his concerns and the painstaking process he followed to evaluate the nomination and his judgment to support him. Senator GRASSLEY attended the hearing, met personally with the nominee, and engaged in extensive written questioning, as well. In his statement he commended Mr. Verrilli "for his serious approach to the task of providing responses" and for his "thoughtful answers." After that rigorous process, Senator GRASSLEY became more comfortable that Mr. Verrilli "understands the duty of the Solicitor General." He emphasized that Mr. Verrilli had made clear to him that "he would not lend his name or that of the office to carrying out any order which he believed to be based upon partisan political considerations or other

illegitimate reasons" and that rather than do so, he would resign from office. Senator GRASSLEY concluded that he has "every expectation that Mr. Verrilli, if confirmed, will honorably live up to his duties, obligations, and assurances."

The committee process left no doubt that Mr. Verrilli has an extensive knowledge of the law and an understanding of the independence required to represent the interests of the government and the American people as the Solicitor General of the United States. He is well qualified and well suited to serve in the role of what is often called "the tenth Justice."

The Senate has a longstanding practice of giving deference to the President to make nominations for positions in the executive branch. However, as we have seen with more and more of President Obama's nominations, Senate Republicans have dramatically departed from our Senate standards. This does great harm to the interests of the American people, the ability of good people to serve, the capacity of the government to fulfill its responsibilities and the proper functioning of the Senate. Subjecting consensus nominees to unnecessary and damaging delays and unjustified and harmful filibusters is wrong. I am glad the Senate leaders have been able to come to agreement to avoid the threatened filibuster of this qualified nominee to serve as Solicitor General of the United States.

Before the Memorial Day recess, the Senate should have confirmed the nomination of Lisa Monaco to be the Assistant Attorney General in charge of the National Security Division at the Justice Department. That is a key national security position. The Judiciary Committee held a hearing on Ms. Monaco's nomination in April and reported her nomination unanimously in early May. Her nomination has since been considered by the Senate Select Committee on Intelligence at an additional hearing and was reported unanimously by that committee, as well, nearly 2 weeks ago. After such a thorough process, there is no doubt that President Obama has made a first-rate choice to fill this very critical national security position. The value of Ms. Monaco's wealth of experience and institutional knowledge has been supported by the many former Justice Department officials who have written in support of her nomination, including former Attorney General Mukasey, who served during the President George W. Bush administration. Without cause or explanation, the Republican leadership still has not consented to a vote on this important national security nomination.

Even more egregious is the unprecedented filibuster of the nomination of Jim Cole to be Deputy Attorney General, the No. 2 position at the Justice Department also with key national security responsibilities. There is no excuse or justification for the continued failure to act on Mr. Cole's nomination

to fill this critical position. It was blocked last year when it was pending for 5 months in the Senate. The nomination was reported favorably by the Judiciary Committee again in March, and incredibly, has been filibustered for another 10 weeks while the country faces concerns about terrorism in the aftermath of the President's successful operation against al-Qaida and Osama bin Laden. It is hard for me to understand how, at a time when experts are concerned that al-Qaida will seek reprisals, the Senate has not acted to ensure that President Obama has his full national security team in place. Instead, Senate Republicans have chosen to delay action on those nominations and to seek to use them as leverage against the administration.

I have urged Senate Republicans to reject this partisan approach and to come together to work with our President to keep America safe. In the aftermath of 9/11, we expedited law enforcement nominations, confirming an additional 58 officials to posts at the Justice Department before the end of 2001. We should have done the same with the nominations of Lisa Monaco and Jim Cole. We should treat Mr. Cole's nomination with the same urgency and seriousness with which we treated all four of the Deputy Attorneys General who served under President Bush. All four were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. No Deputy Attorney General nomination has ever been subjected to a filibuster before. It is wrong and should end.

I am confident that Mr. Verrilli's qualifications, experience, ability, temperament and judgment will lead to an overwhelming bipartisan vote in support of his confirmation to serve as the next Solicitor General of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD copies of the letters to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 2011.

Re Nomination of Donald Verrilli as Solicitor General.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in enthusiastic support of the nomination of Don Verrilli to become the next Solicitor General of the United States. We write as lawyers who are deeply familiar both with the work of the Solicitor General and with Don's own work and character. Some of us have worked jointly with Don, some of us have appeared opposite him in cases, all of us have seen his work. We believe that Don is ideally suited to carry out the crucial tasks assigned to the Solicitor General, chiefly the representation of the United States in the Supreme Court, and to maintain the traditions of the office that the Solicitor General leads. We urge the Senate to confirm him as Solicitor General.

With experience representing a wide variety of clients, and several years serving the United States from within the government at its highest levels, Don is unusually experienced in the vast range of legal issues over which the Solicitor General is responsible on behalf of the United States. He is a quick study, careful listener, and acute judge of legal arguments. He is a masterful writer and oral advocate who knows the importance of clarity, candor, vigor, and responsiveness. The array of departments and agencies the Solicitor General represents, the Congress that enacts the laws being executed, and ultimately the Supreme Court in the performance of its functions all rely on these qualities in a Solicitor General, and all would be well served by Don Verrilli in that position.

As important, the successful functioning of the Solicitor General's office requires an ability to see the effects of particular arguments on the overall interests of the United States, both across agencies and over the long term. Shaping arguments to respect those interests, and to protect the special credibility the office has acquired over the decades of its existence, while maintaining clarity and force in presentations, demands the whole range of knowledge, intelligence, judgment, and other capacities that Don has in abundance. More generally, the rule of law depends on a consistent commitment to reason in the unfolding of legal principles. Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

Finally, Don has a deeply ingrained habit of civility. Not only in court, but in private interactions, with co-counsel, colleagues, and lawyers who are adverse to his clients, Don maintains his equanimity and politeness and engages in calm, reason-based discussion. His character will serve the highest traditions of the Solicitor General's office.

We expect that the Senate, after full inquiry, will see all the virtues we know from firsthand experience that Don possesses. He is the consummate professional, and we hope that the Senate will confirm Don promptly to serve as the Solicitor General.

Sincerely,

RICHARD G. TARANTO,
Farr & Taranto.
CARTER G. PHILLIPS,
Sidley Austin LLP.

The following people have signed on to this letter:

Akin Gump Strauss Hauer & Feld, LLP: Patricia Ann Millett; Arnold & Porter: Lisa S. Blatt; Covington & Burling: Jonathan Marcus; John P. Rupp, Robert Long; Crowell & Moring: Clifton S. Elgarten, Susan Hoffman; Farr & Taranto: Bartow Farr; Finnegan, Henderson, Farabow, Garrett & Dunner: Donald Dunner; Gibson Dunn & Crutcher LLP: Theodore B. Olson, Miguel Estrada, Theodore J. Boutrous Jr., Thomas G. Hungar; Goldstein, Howe & Russell, P.C.: Thomas Goldstein, Amy Howe, Kevin Russell; Hogan Lovells: H. Christopher Bartolomucci, Catherine E. Stetson; Howrey: Gerold Ganzfried; Jenner & Block LLP: Paul Smith; Jones Day: Donald Ayer, Craig E. Stewart, Meir Feder; Kellogg Huber: David Frederick, Michael Kellogg; Aaron M. Panner; Kirkland & Ellis: Christopher Landau; King & Spalding: Daryl Joseffer; Latham & Watkins: Richard P. Bress, Maureen E. Mahoney, Matthew Brill; Jonathan Massey; Mayer Brown LLP: Stephen M. Shapiro, Andrew L. Frey, Andrew Pincus,

Evan M. Tager, Charles Rothfeld, Lauren Rosenblum Goldman, David M. Gossett, Jeffrey W. Sarles.

Molo Lamken: Jeffrey Lamken; Morgan, Lewis, & Bockius LLP: Peter Buscemi, Allyson N. Ho; Morrison Foerster: Deanne E. Maynard, Brian R. Matsui; O'Melveny & Myers: Walter Dellinger, Sri Srinivasan, Jonathan Hacker; Orrick, Herrington & Sutcliffe LLP: E. Joshua Rosenkranz; Paul Hastings: Stephen B. Kinnaird; Pillsbury Winthrop: Kevin M. Fong, Claudia W. Frost; Quinn Emanuel Urquhart & Sullivan LLP: Kathleen Sullivan; Robbins Russell: Roy Englert; Ropes & Gray LLP: Douglas H. Hallward-Driemeier; Sidley Austin LLP: George W. Jones, Paul Zidlicky, Rebecca Wood, Jeffrey Green, Jacqueline Cooper, Peter Keisler, Eric Shumsky, Mark Haddad, Joseph Guerra, Robert Hochman, Michelle Goodman; Skadden, Arps, Slate, Meagher & Flom LLP: Cliff Sloan; Venable: John Cooney; Wiley Rein LLP: Andrew G. McBride, Helgi C. Walker; Williams & Connolly: Kannon K. Shanmugam, Stephen Urbanczyk; Willkie Farr: Richard Bernstein; Wilmer Cutler Pickering Hale and Dorr: Seth P. Waxman, Paul R.Q. Wolfson, David Ogden, Randolph Moss; Zuckerman Spaeder LLP: David Reiser.

WASHINGTON, DC,
March 17, 2011.

Re Nomination of Donald B. Verrilli Jr. for the Position of Solicitor General.

Hon. PATRICK J. LEAHY,
Chairman,

Hon. CHARLES GRASSLEY, *Ranking Member,*
U.S. Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We have served as Solicitors General in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton, and George W. Bush. We write in strong support of the nomination of Donald Verrilli to become Solicitor General of the United States.

Some of us have worked alongside Mr. Verrilli as co-counsel; some of us have appeared opposite him in cases; all of us are familiar with his work, his demeanor, and his well-deserved reputation as a leading member of the Supreme Court bar. We believe Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office the Solicitor General.

Mr. Verrilli's long experience representing a wide array of clients, in combination with his recent experience serving in senior positions in government, render him particularly well qualified to address the range of legal issues over which the Solicitor General is responsible on behalf of the United States. His well-deserved, stellar reputation as both a writer and oral advocate, and his deeply ingrained civility and dedication to the rule of law will well serve all three branches of government. We wholeheartedly endorse his confirmation.

Respectfully,

SETH P. WAXMAN

For:

Charles Fried (1985–1989).
Kenneth W. Starr (1989–1993).
Drew S. Days III (1993–1996).
Walter E. Dellinger III (1996–1997).
Seth P. Waxman (1997–2001).
Theodore B. Olson (2001–2004).
Paul D. Clement (2004–2008).
Gregory G. Garre (2008–2009).

Mr. GRASSLEY, Mr. President, I will vote to confirm Donald B. Verrilli, Jr.,

to be Solicitor General of the United States, but I do so with little enthusiasm. Mr. Verrilli has impressive credentials and noteworthy accomplishments. In addition to his government service in the White House Counsel's Office and at the Department of Justice, he has been a litigator in private practice for more than 20 years. He has argued 12 cases, and participated in more than 100 cases, before the Supreme Court of the United States. Mr. Verrilli served for over 15 years as an adjunct professor of constitutional law at the Georgetown University Law Center. He clerked for Associate Justice William J. Brennan, Jr., of the U.S. Supreme Court, and Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit.

My concern with this nomination is whether or not the nominee will demonstrate appropriate independence in the office. His testimony at his hearing raised doubts about his ability and commitment to uphold that principle. Mr. Verrilli seemed to buy into the notion that he was still the President's lawyer. He gave lip service to the two traditional exceptions to the Solicitor General defending a statute—first, if the statute violates separation of powers by infringing on the President's constitutional authority; and second, if there is no reasonable argument that can be advanced in defense of the statute. Mr. Verrilli then appeared to create a third exception one that is not supported by practice or tradition. He stated he would defend a statute's constitutionality “unless instructed by my superior not to do so.”

This position advocated by the nominee—that interference in the rule of law, by the President or by the Attorney General, is an appropriate reason not to defend statutes—was extremely troubling to me and other members of the committee. That position is not the standard of the office. It is not what the Nation expects from its Solicitor General. His response gave me great pause about supporting his nomination.

Following his hearing, I gave Mr. Verrilli ample opportunity to address my concerns. In extensive written questions I asked the nominee to review and comment on testimony given by previous Solicitor General nominees. In particular, I asked many questions regarding statements by prior Solicitors General regarding the independence of the office. I asked him to review cases where the Department of Justice had made a determination not to defend a statute. I asked him to analyze those cases as to the rationale for not defending the statute. In addition, I asked him to review and comment on a number of Supreme Court cases that address serious constitutional issues.

I reviewed his answers to my written questions for the record. I commend Mr. Verrilli for his serious approach to the task of providing responses. In most cases he gave thoughtful answers.

In many instances he declined to provide his views on the topic but gave general assertions that he would follow the law. In other instances he claimed confidentiality. I do not agree with his assertion of confidentiality in most of the instances where he raised that as a basis for not responding. In other circumstances, such a response would be unacceptable. In the past, such responses, or allegations of similar responses, have resulted in a failed confirmation or withdrawal of the nomination.

Based upon my review of his responses, I am more comfortable with the notion that Mr. Verrilli understands the duty of the Solicitor General. I believe, because of my questions and the time he spent contemplating the issues, he will be a better Solicitor General than he otherwise would have been. Mr. Verrilli has been exposed to decades of thought and experience by this review. On the whole, I concluded that Mr. Verrilli now has a greater sensitivity to the necessity of independence in the office. In numerous answers he provided a much better response than he did at his hearing. He indicated he would not lend his name or that of the office to carry out any order which he believed to be based on partisan political consideration or other illegitimate reasons. Rather than do so, he said he would resign from office. I will hold him to that pledge.

I want to be clear about my tepid support for Mr. Verrilli. He is nominated to an executive branch position, not a lifetime appointment. My lukewarm support is based largely on the nature of the office to which he will be appointed, if confirmed.

I will put the administration on notice, as well as Mr. Verrilli, the Senate, the media, and any other interested party. My less than enthusiastic vote for Mr. Verrilli to be Solicitor General of the United States is limited to that office alone. No entity or individual should presume my support for Mr. Verrilli for any other future office to which he may aspire or to which he may be nominated—be it in the executive, judicial, or legislative branch of government.

Furthermore, as ranking member of the Judiciary Committee, I will vigorously carry out my oversight responsibilities to ensure the Solicitor General and his subordinates are performing as they should. I will be watching to make certain Mr. Verrilli complies with his oath of office, with his obligation to the Constitution and statutes of the United States, with his duties of the office, and with the assurances he has given the Senate in his oral and written testimony. I expect nothing less from all officials of government. I have every expectation that Mr. Verrilli, if confirmed, will honorably live up to those duties, obligations, and assurances.

TENNESSEE TORNADOES

Mr. ALEXANDER. Mr. President, on Wednesday I traveled to Greene and

Washington Counties in Upper East Tennessee—up near Virginia and North Carolina—to visit with the victims of tornadoes that swept across our State on April 27 and to see firsthand how the recovery is going.

What I found was what I expected to find. In Washington County and Greene County, the citizens are not complaining. They are cleaning up, and they are helping each other. I also found out there are some things that still need to be ironed out, but so far the recovery from a devastating disaster is going well in East Tennessee. The real work is being done by people affected by those storms and by volunteers, and I think it says that Tennesseans are doing what Tennesseans usually do.

I first met with Alan Broyles, who is the mayor of Greene County, and Bill Brown, who is director of Greene County's Emergency Management and Homeland Security Agency. Seven people lost their lives in Greene County. We visited the Camp Creek and the Horse Creek communities. We saw many of the homes that have been completely leveled, and debris was still being removed. We saw one home where a couple—the Harrisons had been helping neighbors into their basement when the tornadoes swept through and killed both Mr. and Mrs. Harrison, but spared the lives of the neighbors in the basement. There were two crosses there next to what was left of the basement structure of the home.

At the Camp Creek Elementary School where FEMA has set up a disaster recovery center, I met Pamela Ward and her mother-in-law, Betty Ward. Mrs. Ward's home had been completely destroyed by the tornado, and her husband Kevin and their three daughters were staying in a hotel after discovering that the insurance on their home only paid off their mortgage. Mr. Brown and Q. Winfield, who is FEMA's Federal Coordinating Officer for Tennessee, immediately began working to help the Wards. By the next day, Mr. Winfield had called to let me know that FEMA had approved the maximum award to help Pamela Ward and her family get back on their feet.

I also visited Washington County, where I met with Dan Eldridge, who is the mayor of the county, as well as local emergency management officials and families affected by the disaster. One resident was killed in a tornado that touched down in Washington County. Hundreds of homes were damaged. However, it was clear that families and volunteers had been hard at work putting their community back together. Rebuilding had begun, and the debris had already been removed in many areas.

FEMA is doing an excellent job working with State and local officials, but the generosity of the volunteers and the entire community working in a collective way with the churches to help families get back on their feet is an amazing sight. It is still very impor-

tant for victims to register with FEMA by calling 1-800-321-FEMA (3362). Families are also eligible for other forms of disaster assistance, including loans from the Small Business Administration and unemployment and food stamp benefits. While we cannot make these families whole, there are people who still need help, and we have to make sure they know help is available. I want to make sure that whatever the Federal Government is able to do, it is doing.

Over the past year, Tennessee has experienced disasters of historic proportions. We know very well we are not the only State or the only community where this has happened. Beginning with the 1,000-year flood that struck middle and west Tennessee last May, to the devastating tornado outbreak and river flooding this year in both the eastern and western parts of our State, 74 of Tennessee's 95 counties are currently Presidentially declared disaster areas. Thousands of people are still recovering, and many are only just beginning to put their lives back together. In spite of everything this past year has thrown at us, Tennesseans are going about their business helping themselves and helping others in remarkable and inspiring ways.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about the state of the American economy and the lack of effectiveness of this Congress in confronting it—in particular, the lack of the leadership of the U.S. Senate to deal with the crisis we are facing both economically and financially as part of our economic condition. We can't separate those two.

The leading economic indicators are not good. Last week, we were pummeled with a series of reports that were bad news. The numbers continue to be disturbing, actually. The share of our population that is employed today declined to 58.4 percent—the lowest level since 1983. So the percentage of people working today is the lowest we have had since 1983.

The May jobs report that just came in fell well short of projections. The consensus view of economists was for a gain of 165,000 jobs, but, in fact, we gained 111,000 fewer than that. We had a very low job creation month, and it marks the worst jobs report in 8 months. Everybody is saying things are getting better and jobs are getting better, but this is a wake-up call. The numbers have not been strong. They

have actually been very fragile. The jobs have to increase about 180,000 a month to actually stay level, and to begin to increase, we have to be above that. To reduce our unemployment rate, it has to be above 180,000. So we were far below that this month.

The percentage of people who are long-term unemployed—who have been unemployed for 27 weeks or more—jumped nearly 2 percentage points to 45.1. The unemployment rate increased to 9.1 percent from 9 percent. However, the unemployment rate does not take into account those who are underemployed or who may have become discouraged. That is why we have such a low percentage of people working. Many are discouraged and have given up looking for work.

Since its peak of 12,800, the Dow Jones Industrial Average is down now 698 points or more than 5 percent over the last month. I believe this is the sixth consecutive week the Dow has declined.

Consumer confidence is also deteriorating. The Consumer Confidence Survey is down 12 points from its peak in February. It has been steadily going downward. Consumer expectations about the future are even worse, falling more than 20 points in the last 3 months, from 97.5 to 75.2. The last time we experienced a 3-month drop in consumer confidence of more than 20 points was March 2008, during the heart of the great recession.

The Misery Index, which combines the unemployment rate with the 1-year change in inflation growth, hit 12.2 percent, the highest level in a year.

Those are grim statistics. Indeed, I am looking at Barron's and a lead editorial by Mr. Abelson in today's issue. This is something he expressed unease about, very serious concern, in his lead column for the Barron's publication. He quotes a report from the Liscio Report, Philippa Dunne and Doug Henwood, and he quoted from their analysis:

More than a little shocking to Philippa and Doug, and to us as well—

Referring to himself—

is that private employment today is 2 percent below where it stood 10 years ago and, as they've noted before, job loss over a 10-year period is unprecedented.

In other words, over 10 years we have 2 percent fewer people working in the private sector—the first time we have ever identified a 10-year period in our history—and he goes back to 1890—that we have actually seen a decline in employment over 10 years.

It continues:

So far, they point out somewhat grimly, "We've regained just 1.8 million jobs lost in the Great Recession and its aftermath, or about one out of every five that have been lost.

So we only recovered about one in five of the jobs. We have been reading that job growth is out there, but it hasn't been much. It has been anemic, and so has been GDP growth.

He goes on to note that "the number of folks out of work increased by

167,000 and a goodly number of those—44.6 percent, to be precise—have been unemployed for 27 weeks or longer, within crying distance of an all-time high. The average stay in the ranks of the jobless has reached the longest in the postwar period." That is World War II. So that is the longest time we have gone with almost half the people being unemployed for at least 27 weeks. So it is not a good situation.

We have tried. The Federal Reserve has tried. The Congress rammed through a stimulus bill that didn't work. I felt it wouldn't work, and I explained why at that time, but it passed anyway, adding almost \$800 billion, \$900 billion to the total debt of our country, and every penny of that was borrowed. It has not worked. But we will pay interest on it.

Last year, our highway spending was about \$40 billion. The interest on that stimulus bill will be almost that much unless we find some way to start paying down our debt. And there is no plan on the table to reduce our debt in the immediate future. That is for sure.

So what would I say about where we are today? I believe this Congress cannot justify having created a financial situation in which 40 cents of every \$1 we spend is borrowed. We take in \$2.2 trillion, and we are spending \$3.7 trillion. Every economist has told us in the Budget Committee—I am the ranking Republican there—this is unsustainable.

President Bush's highest deficit was too high: \$450 billion. Under the first 2 years of President Obama, we have had \$1.2 trillion and \$1.3 trillion added to the debt, and this year, on September 30, we expect \$1.5 trillion to be added to our debt. We will have doubled the entire debt of the United States under 4 years of his leadership.

His budget he submitted to us earlier this year makes the situation worse. If you take the basic trajectory of the Congressional Budget Office, the President's budget, even though it raises taxes, raises spending more and actually puts us on a more unsustainable path than otherwise would be the case. Over the 10-year budget he proposes, the lowest single deficit is \$748 billion, and it is going up to around \$1 trillion in the 10th year. These are systemic, unsustainable deficits, and they have to be confronted.

We have to reduce spending. Everybody knows that. But we are not willing to do so. The Democratic leader, when we had the continuing resolution and we had the debate over how much to spend the rest of this fiscal year, proposed a \$4 billion reduction in spending. And our deficit will be \$1,500 billion this year. He proposed to cut \$4 billion in this year's continuing resolution. After much fight—and the House had passed \$60 billion or \$70 billion in spending reductions through the rest of the year—the Senate finally, under the Democratic leaders here, got it down to \$38 billion, I believe.

We are not facing up to reality. So what do you do? The Fed has cut inter-

est rates to zero. We are spending unlimited amounts of money. We have tried all kinds of gimmicks and efforts—reducing the Social Security tax, other things—to try to create growth in the economy, and it has not worked. I suggest part of the problem is the deficit itself.

Professors Rogoff and Reinhart have written a book: "This Time Is Different." In their analysis, when your debt equals 90 percent or more of your economy, you will show at least a 1-percent reduction in economic growth for that year. This year our debt, which is already about 95 percent of GDP, will be 100 percent of GDP by September 30. So the first-quarter growth numbers were 1.8 percent below what had originally been projected. That was a reanalysis of it—1.8 percent. According to their theory, it would be 2.8 percent growth if we did not have debt in excess of 90 percent of the gross domestic product.

I asked Secretary of the Treasury Geithner at the budget hearing whether he agreed with the Rogoff-Reinhart study, which has received quite a bit of attention and a great deal of respectful attention. He said he did. He said that in some ways the situation is worse than that suggests because we could have an economic crisis. When your debt-to-GDP is 90 or 100 percent, that is how you can have a circumstance somewhat like we had with the financial meltdown or like they are having in Greece.

So we have been warned by the fiscal commission Chairman and Cochairman, appointed by President Obama, Mr. Erskine Bowles and Alan Simpson. They testified that we are facing the most predictable economic crisis in our Nation's history—the most predictable. When asked when it might happen, Mr. Bowles said 2 years, give or take. So we do not know what is going to happen.

I think we have to just grow up, realize that we have placed our Nation in financial jeopardy, that this country has spent money it did not have to a degree greater than this Nation has ever spent before, except maybe in the height of World War II when the entire Nation was in a life-and-death struggle. We have never spent this kind of money. We have never had these kinds of deficits.

Many remember the big fight over spending in the mid-1990s that resulted in the balancing of the budget in the late 1990s. That was a much simpler problem than we have today. I have looked at the numbers. I have studied the numbers. To get this country to a balanced budget is going to take some very serious, sustained work. It is going to be much more significant than it was in the mid-1990s. We simply cannot grow this economy—which is the key to getting ourselves out of the mess we are in—we cannot grow it by just passing more taxes. We cannot do that.

Congress has to step up to the plate. I remain extremely disappointed that

the majority in the Senate did not even bring a budget to the floor last year. We are now at 750-, 760-some-odd days without having a budget. That is one reason we are spending so much money we do not have. We do not even have a budget. It was not even brought to the floor last year. Not a single appropriations bill was brought to the floor and passed last year. Since I have been here—and I guess in 20 or more years—our Democratic majority had the largest majority any Senate has ever had. They had 60 votes last year in the Senate. It only takes 50 to pass a budget. You can pass a budget without a supermajority, without a filibuster. It is designed to make sure we pass a budget because it is needed that we pass a budget. But it was not even brought up last year.

So what about this year? We have not even marked one up. We have not had a hearing in the Budget Committee to mark up a budget. Under the Budget Act, the budget is supposed to be passed by April 15. The House has passed a budget, a historic budget, a sound budget. It changes the unsustainable trajectory we are on. It is responsible. It has gotten widespread bipartisan applause for being a serious attempt to confront the financial crisis we are facing.

The Senate has not produced anything. Indeed, my good friend—and he has a tough job—our majority leader, HARRY REID, said it would be foolish to pass a budget. And his staff said something similar to the press. Foolish to pass a budget? What did he mean by that? Would it be against the American interest to pass a budget? Would it make our country less strong financially if we passed a budget? Would it be less responsible to pass a budget than to not pass one? I do not think so.

Actually, I do not think that is what he meant. What he meant was it would be foolish politically to pass a budget. So he did not bring one on the floor last year when he had 60 Senators. He has 53 now. He is not going to bring one up again this year. He would be foolish to. Why? Because when you produce a budget, you have to set forth, for the entire world—the financial world, the American people, the political world, the individual citizens of this Republic—what your plans are for the future. What are we going to do? How much are we going to spend? How much are we going to tax? How much deficit will be created, or surplus, if one is to be found? And it is not going to be found soon—a surplus—trust me. I have looked at the numbers. But we have to get on the right path. So he thinks that is foolish. I guess because, well, if he produced a budget, he might have to cut spending and somebody might complain. If he produced a budget and it is consistent with what some of my tax-and-spend friends believe and he has a bunch of tax increases in there, that might not be popular. So since it is not popular, we are just not going to do it, while we have the lowest number of

people working in this economy since 1983 and we are 2 percent below the number of people who were actually working 10 years ago.

This Keynesian spend-tax-spend idea of how to make an economy grow is not sound. We have tried it. It was done over my objection, but it was done. We threw money at this economy the likes of which we have never seen before.

Now, the Brits, they are reducing their spending. They are making some tough choices in the UK. And some have been pushing back: Oh, you are cutting too much. They are having riots in Greece, where people are saying: You are cutting back spending too much. We have to have this money. But what did the International Monetary Fund say today? I believe it was today. They said: The UK, the Brits, stay the course. Stay with your fiscal responsibility that was initiated by the new conservative government. Do not go back to spending. Do not adopt the idea that you can create something out of nothing by borrowing money, money you do not have.

Of course, Julie Andrews laid that out really well in her song. I have thought and always try to remember: Nothing comes from nothing. Nothing ever could.

You cannot borrow your way out of debt, as one person in Evergreen told me his granddaddy said. We have to face the music. We do not have the money to operate at the level we are.

I was at a town meeting in Marion, AL, and an elderly gentleman said he lived through the Depression, he lived through World War II, he lived through the great inflation surge in the 1970s, and he sees this other challenge we face today. He said the problem is not the high cost of living; the problem is the cost of living too high. That just sort of closed the meeting. He was the last one to speak. I thought there was a real silence there—the cost of living too high.

We have just been living on the idea that these brilliant people—the Fed and the Treasury and all—that they can just borrow money and spend it today, and that will make the economy flower, and we will all be successful, and we do not have to worry about paying it off.

What is a little debt? Well, we went down that road, and it has gotten completely out of control, and we cannot sustain it.

We are at a point where our debt threatens our economic growth. According to Rogoff and Reinhart, it is already reducing our growth by 1 percent. And if we have 2 percent growth for the year—if we have 2 percent growth this year instead of 1.8 percent, as we did the first quarter—that means 1 million more people employed. A 1-percent growth, economists tell us, is equal to 1 million people employed. If you get 3 percent, 4 percent, 5 percent growth, like we ought to have coming out of a recession, then you can have

millions of jobs created and change this direction of our country.

We have used every weapon we have except common sense and sound policy. So what do we do? How do we get out of the mess we are in? It is not going to be an easy road, but we need to reduce spending. We have increased spending in the last 2 years—the first 2 years under President Obama—24 percent in discretionary nondefense spending.

We cannot cut that back to where we were in a previous day? Is the United States of America going to cease to exist if we reduce spending? We are going to have to. We do not have the money. So we do that. We send a message to the world as the people in England have that we understand the problem. We know we have gone too far. We are going to get on the right road. We are going to put our shoulders to the wheel, and we are going to lift this country forward and put it on a sound path.

We can do that. We will do that. That is what the American people said they wanted—I am convinced—in this last election. They want some responsibility here, and we owe it to them. I hope and pray that we can come together and make some significant changes in the way we spend money and the amount of debt that we have.

Yes, it might be tough for a while, but we will get on the right path. We will get this country going in the right direction. So when we are confused about the future, nobody knows exactly what to do, I think it is time to take a deep breath and go back to the old verities, the old truths that nothing comes from nothing. Hard work pays off. Borrowing, borrowing, borrowing is a road to disaster. We need to start paying down our debt. The kinds of things we tell our children every day, this Nation needs to do.

If the world and if the business community in our country saw us in that direction, nothing could be better for our economic growth. They would say: The United States of America has finally got it. They have their heads on right. They are making the decisions that will lay a foundation for sound, positive growth in the future, and they are not trying to get their way out of the problem they are in by something for nothing, some gimmick.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some brief thoughts about the nomination of Donald Verrilli to be Solicitor General of the United States. Solicitor General has been called the greatest lawyer job in the world. It is the position in the

Department of Justice that represents the United States in appellate courts and the Supreme Court. As they said, again, there is no higher honor than to appear in the highest Court in the land and be able to announce that you represent the United States of America. That is what the Solicitor General gets to do and supervises that. It is a very important position.

It requires integrity, independence, and a commitment to the rule of law. Mr. Verrilli, by the account of quite a number of people, is a smart lawyer with significant experience in appellate matters and is respected as to his integrity and his legal ability. I say that because I am not going to be able to vote for him today, but what I am saying about him is not to be personal in any way. I can disagree with someone about their approach to law and still sometimes be able to vote for them.

I voted for most of the President's nominees. I supported Attorney General Holder's nomination. But what I want to say is, we are in a struggle internationally with a most virulent form of terrorism that has been declared by virtually all objective people as a war. We are involved in a war on terrorism. That is just what it is. Bin Laden and the people who attacked us on 9/11 had declared war against the United States. They had officially said they were at war with us. Our President, on occasion, has acknowledged that we are at war. Congress has authorized the use of military force in Iraq, Afghanistan, and against al-Qaida. We have authorized it. We have not in Libya, but we have in those other instances.

So the Department of Justice, of which I was honored to be a member for 15 years as a Federal prosecutor, and U.S. attorney in Alabama for 12—and I loved that great Department and believe in it deeply. I am troubled by the extent to which it is being led by people who have an unwise understanding of the nature of the struggle we are in. One of the ways this plays itself out is to conclude that an individual affiliated with al-Qaida was presumptively to be tried in civilian courts like a normal criminal. But under the rules of war, under our Constitution and laws, and consistent with the history of the United States, it is perfectly permissible to capture an enemy combatant who is threatening us and to put them in jail and detain them, just like all prisoners of war have been detained, until the conflict is over.

No, we do not give them a trial. They are not entitled to lawyers. They are not entitled to go before a judge. They are prisoners of war. They are held in prisoner of war camps. They have to be humanely treated. They cannot be tortured. We have a specific statute about that, and I know we have had some instances where people said we are torturing. Some say it is not. But that is not the situation today. We are not close to the line of what is torture of

anybody that is being held in custody today.

So the question is, What does the Department of Justice say? Well, they have made the statement that there is a presumption that these individuals should be tried in civilian courts. Congress, after several years of debate, finally passed a law that prohibited the funding of a civilian trial of any of the 9/11 terrorists who have been captured. Some have been held at the Guantanamo Bay detention facility. They have to be tried, if they are tried, before military commissions.

Military commissions have historical precedent. For example, in World War II, Nazi saboteurs entered the United States and attempted to attack us. They were captured. Trial was held within a few weeks by the military, and most of them were executed promptly. The Supreme Court, in *ex parte Quirin*, held that was perfectly appropriate.

Now, we cannot try a normal prisoner of war and execute them. We cannot do that. If a prisoner of war, however, violates the rules of war and commits crimes above and beyond the rules of war, then they can be tried and punished appropriately.

The 9/11 conspirators and other terrorists are wholly and totally committed to violating the rules of war. They attack innocent men, women and children. They attack noncombatants. That is all prohibited by the rules of war. They do not wear a uniform. If they want to have the protections of the rules of war, they have to wear a uniform when they go into combat. If they are captured, they have to be treated as prisoners of war. But if they have been sneaking into the United States surreptitiously, with a plot to bomb a target and murder innocent men, women, and children, then they have committed a war crime, and so they can be detained as prisoners of war and can be tried by the military as the war criminals they are.

So this has been a big battle, and we went through it for years. On the Judiciary Committee, of which I am a member, we had quite a bit of discussion about it in hearing after hearing. We somehow have tragically convinced the world that the American military is torturing people at Guantanamo, and it is not so. The people who were found to have been waterboarded and that kind of thing, it was not done at Guantanamo, and it was not done by the U.S. military. Zero.

At any rate, we had all of those debates, and we had fuses. We had lawsuits filed, and people were complaining about President Bush and all his policies. And we remember that. So now we are here with a series of people being appointed to the leadership of the Department of Justice, the law enforcement agency, the top prosecutors in the country, and those positions are being filled by the people—not who are prosecuting terrorists, not who know something about it, not skilled profes-

sional prosecutors who know how to do this job. The top positions are being filled with the people who protested.

Attorney General Holder himself has said that these cases ought to be tried in a civilian court. The Acting Deputy Attorney General, Mr. Cole, wrote an op-ed in the *Legal Times* saying the war on terror was a criminal matter, not a military matter.

Assistant Attorney General for the Civil Division, Tony West, defended John Walker Lindh, the American Taliban; the Acting Solicitor General, Neil Katyal, argued on behalf of Salim Ahmed Hamdan, bodyguard and chauffeur for Osama bin Laden, in *Hamdan v. Rumsfeld*, arguing that military commissions were illegal. These are some of the top positions in the entire Department of Justice: the Attorney General, a Deputy Attorney General of the Civil Division, and the Acting Solicitor General, and the person who is nominated to fulfill that spot.

So Mr. Verrilli, I believe, is a good man. In normal circumstances I would be willing to accept his nomination and vote for him. I am not going to try to slow it down. I am glad to have the vote and cast my vote. I am sure he will be confirmed. But it has been reported in the media that President Obama has now appointed 13 to 16 lawyers to high-ranking positions in the Department who themselves previously represented alleged terrorists or their supporters or were senior partners at their law firms when their firms decided to accept alleged terrorists as clients. Many of these lawyers, including Mr. Verrilli, support the view that terrorists are criminals and not unlawful combatants. It is all right to defend unpopular people, criminals who are unpopular. It is perfectly all right.

But I just want to say, as someone who loves the Department, I am concerned about the positions they are taking on the questions of the civilian trials of unlawful combatants.

I think it is wrong, and I have voted for the last one I am going to vote for to a top position at the Department of Justice who advocate that view. I think it places our Nation at greater risk. We do not need to be treating these individuals in that fashion.

As a practical matter, it works out this way. If you apprehend the Christmas Day bomber, he is treated as a civilian and he has to be given his Miranda rights within minutes of being arrested, which say that you can have a lawyer, you can remain silent, and you will be appointed a lawyer promptly. He has to be taken before a magistrate promptly—letting all his terrorist associates know he has been captured. He is entitled to discovery in the government's case in short order, and he is entitled to a speedy trial.

All of those things are part and parcel of the civil process. But if a suspected terrorist is captured as an unlawful combatant and detained by the military, he can be held as a prisoner of war, and he can be interrogated—not

tortured—over a period of weeks, or months; and the military does not have to appoint a lawyer for them. Unlawful combatants can be tried at Guantanamo Bay by a military commission—and potentially found in violation of the rules of war—which is what ought to happen in these cases.

But that is not the position of the Department of Justice. The Department has been populated with people who have a different view—I think a wrong view—of it. Although I have great respect for Mr. Verrilli and his record, which seems to be a good one, the fact that he is another voice in the Department for a wrong philosophy is something I will vote against by voting no.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, shall the Senate advise and consent to the nomination of Donald B. Verrilli, to be Solicitor General of the United States.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. NELSON), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 16, as follows:

[Rollcall Vote No. 85 Ex.]

YEAS—72

Akaka	Cornyn	McCaskill
Alexander	Durbin	McConnell
Ayotte	Enzi	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Begich	Gillibrand	Murkowski
Bennet	Grassley	Murray
Bingaman	Hagan	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Inouye	Pryor
Boozman	Johanns	Reed
Brown (MA)	Johnson (SD)	Reid
Brown (OH)	Kirk	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kyl	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Snowe
Coats	Lee	Stabenow
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	
Coons	Manchin	
Corker	McCain	

Udall (CO)
Udall (NM)

Warner
Webb

Whitehouse
Wyden

NAYS—16

Burr
Chambliss
Crapo
DeMint
Heller
Inhofe

Isakson
Johnson (WI)
Moran
Paul
Risch
Roberts

Rubio
Sessions
Shelby
Vitter

NOT VOTING—12

Boxer
Coburn
Graham
Harkin

Hoeven
Hutchison
Kerry
Kohl

Landrieu
Nelson (NE)
Tester
Wicker

The nomination was confirmed.

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the motion to invoke cloture on the nomination of Donald B. Verrilli, Jr. to be Solicitor General of the United States. If I were able to attend today's session, I would have supported the motion to invoke cloture.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The majority leader.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to S. 782, Calendar No. 38.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk. I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 38, S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes:

HARRY REID, BARBARA BOXER, KENT CONRAD, JOHN F. KERRY, SHELDON WHITEHOUSE, AMY KLOBUCHAR, BENJAMIN L. CARDIN, JEFF BINGAMAN, JEFF MERKLEY, PATTY MURRAY, ROBERT MENENDEZ, JEANNE SHAHEEN, BERNARD SANDERS, FRANK R. LAUTENBERG, JACK REED, RICHARD J. DURBIN, DANIEL K. AKAKA.

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

30TH ANNIVERSARY OF HIV/AIDS IN THE U.S.

Mr. DURBIN. Mr. President, yesterday marked the 30th anniversary of HIV/AIDS in the United States. Thirty years ago, on June 5, 1981, the Centers for Disease Control and Prevention, CDC, published the first scientific report about five previously healthy men with what is now known as human immunodeficiency syndrome, HIV, and acquired immune deficiency syndrome, AIDS. Since that report, the face of HIV/AIDS has changed into a global epidemic with over 33.3 million people living with HIV. In the United States, over 1.1 million people are living with HIV and almost 600,000 people have died from the disease.

For three decades this preventable disease has devastated families and communities. But there has also been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. In the U.S., prevention has saved over 350,000 lives and new infections have decreased by more than two-thirds since the height of the epidemic. Advancements have been made in HIV testing, which is at an all time high with 11.4 million more people being tested in 2009 compared to 2006. Biomedical innovations have created powerful drugs that can transform AIDS from a death sentence into a chronic disease.

The advancement in HIV/AIDS treatment is embodied by the experience of Keith Green. In 1994, when Keith was 17 years old and still a senior in high school on Chicago's South side, he was diagnosed with HIV and given 10 years to live. Keith's prognosis dimmed his hope of a future and he lived day to day ignoring the disease and forgoing medication and treatment. When Keith was hospitalized at the age of 25, seriously ill, and 50 pounds underweight, he assumed his 10 years had come a little early. Fortunately, during his hospitalization, Keith learned about HIV treatment options and started to envision a future for himself. Today, with the help of medication and community support, Keith is a leader in the fight against HIV/AIDS.

Keith's story illustrates that progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV. Most of these new infections are among people under the age of 30—young people who have never known a time without effective HIV treatment and who may not fully understand the health threat of HIV.

The burden of HIV/AIDS continues to be disproportionately borne by gay and bisexual men and African Americans